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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/626,946	07/27/2000	Brenda Lynn Dietrich	YOR9-2000-0474US1	9416

7590 02/13/2003

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EXAMINER

AKERS, GEOFFREY R

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 02/13/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application <u>09/626946</u>	Applicant(s) <u>Pietrich</u>	
	Examiner <u>Akers, G</u>	Art Unit <u>3624</u>	Confirmation No.

- The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 12/10/02
- ☒ This action is **FINAL**. ☐ This action is non-final.
- ☐ Since this application is in condition for allowance except for the formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-20 is/are pending in this application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-20 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved or ☐ disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.
- ☐ The drawing(s) filed on _____ is/are ☐ accepted or ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d) or (f).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- *Certified copies not received:

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- ☐ The translation of the foreign language provisional application has been received.

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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DETAILED ACTION

Response to Amendment

1. This action is issued in response to applicant's Amendment A(Paper #3) filed 12/10/02.
2. Applicant amended claims 1-10. New claims 10-20 were added. No claims were cancelled.
3. Claims 1-20 are pending.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-20 are rejected under 35 YSC 103(a) as unpatentable over Ye(US Pat. No:6,374,227) in view of Ausubel(US Pat. No: 5,905,975) in view of Talluri(US Pat. No: 6,263,315) and further in view of Hornick(US Pat. No: 5,270,921).
6. As per claims 1-20 Ye teaches a method of determining the winning bid in a combinatorial auction by the use of linear programming relation solution program on the decision variables to select a winning bid or combination of bids from multiple bidders. A collection of bids for a shipping lane or bundles of lanes are submitted each bid consisting of an amount, a price and a unit price. The integer program is constructed using one or more problem specific constraints which are added to the maximization structure to ensure that only one variable has a non-zero

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value in the special ordered set in the integer problem and therefore one bid is awarded from a given set of bids. The process takes into account threshold values for the bid amounts as well as constraints(col 3 lines 32-52)(col 13 lines 22-64)(col 23 line 57-col 24 line 29). Ye fails to teach solving an integer program in a way that maximizes revenue. Talluri teaches maximizing revenue using multidimensional value variable matrices(Abstract)(col 5 line 41-col 7 line 20) and Hornick teaches probabilistic demand modelling without having to resort to computationally intensive integer programming to maximize marginal revenue in a dynamic process(Abstract)(Figs 4-25). Ausubel further discloses a method for determining the winning bid in an auction for multiple items that involves calculating maximized bid revenues to determine the auction's final outcome(col 29 line 62-col 30 line 54)(col 31 line 21-col 32 line 28). It would have been obvious to one skilled in the art at the time of the invention to combine Ye in view of Ausubel to teach the above. The motivation to combine is to teach an auction that generates higher profits to the seller. It also would have been obvious to one skilled in the art at the time of the invention to combine Ye in view of Ausubel and further in view of Talluri to teach the above. The motivation to combine is to teach an auction that maximizes revenue for multiple entities participating as enunciated by Talluri(col 3 line 58-col 4 line 2). Finally, it also would have been obvious to one skilled in the art at the time of the invention to combine Ye in view of Ausubel in view of Talluri and further in view of Hornick to teach the above. The motivation to combine is to teach an auction that maximizes revenue for multiple entities participating utilizing

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optimization means incorporating a probabalistic demand model as enunciated by Hornick(col 2 lines 39-54).

Response to Arguments

7. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any questions concerning this communication should be addressed to the examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday

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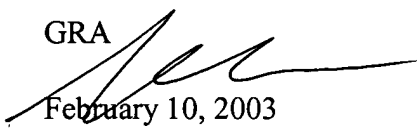
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through Friday at 703-306-5844. If attempts to contact the examiner are unsuccessful, the examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-1113.

GRA



February 10, 2003